

**TUESDAY, JANUARY 8, 2002**

**SIXTY-SEVENTH LEGISLATIVE DAY**

The House of Representatives of the One Hundred Second General Assembly of the State of Tennessee was called to order at twelve o'clock noon by Mr. Speaker Naifeh, in accordance with Article II, Section 8 of the Constitution of the State of Tennessee and pursuant to House Joint Resolution No. 591.

The proceedings were opened with prayer by Bob Tripp, Second United Methodist Church, Knoxville, Tennessee.

Representative Whitson led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present.....99

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh – 99.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 260:** Rep(s). Armstrong as prime sponsor(s).

**House Bill No. 728:** Rep(s). Overbey as prime sponsor(s).

**House Bill No. 1466:** Rep(s). Patton and Ford as prime sponsor(s).

**COMMUNICATION**  
**August 29, 2001**

Speaker Jimmy Naifeh  
19 Legislative Plaza  
Nashville, TN 37243

Dear Speaker Naifeh:

I am resigning my position as Representative from the 63rd House District of the State of Tennessee effective at the close of business today.

Sincerely,

/s/ Mike Williams  
State Representative  
63rd Legislative District

**COMMUNICATION**

**CERTIFICATION OF ELECTION RETURNS**  
**FOR THE SPECIAL GENERAL ELECTION FOR STATE REPRESENTATIVE**  
**SIXTY-THIRD REPRESENTATIVE DISTRICT**

We the undersigned, Don Sundquist, Governor of the State of Tennessee; Paul Summers, Attorney General and Reporter, State of Tennessee; and Riley C. Darnell, Secretary of State, State of Tennessee, having received and compared returns of the election held on Tuesday, December 11, 2001, for the Sixty-Third Representative District of the State of Tennessee, and having ascertained the person receiving the highest votes in this election, do hereby certify that the attached application is a true and correct copy of the results of such an election:

Glen Casada	3,185
Gene Cotton	1,554

Witness our hands and the Great Seal of the State of Tennessee, which is directed by the Governor to be affixed hereto by the Secretary of State, this 14th day of December in the year of our Lord, Two Thousand One.

/s/ Don Sundquist, Governor  
/s/ Paul Summers, Attorney General and Reporter  
/s/ Riley C. Darnell, Secretary of State

**PERSONAL ORDERS**

**OATH OF OFFICE**

Glen Casada stood and was administered the oath of office by the Honorable Al Nations of the Williamson County General Sessions Court, as prescribed by the State Constitution and Statutes of Tennessee.

**RECOGNITION IN THE WELL**

Rep. Casada was recognized in the Well for remarks.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**House Joint Resolution No. 592** -- Naming and Designating - Names Tennessee Technology Center at Shelbyville "James L. Bomar, Jr. Technology Center.". by \*Phillips.

House Education Committee

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for January 10, 2002:

**House Joint Resolution No. 593** -- Memorials, Sports - Leo McClellan inducted into Wyoming Athletic Hall of Fame. by \*Shepard.

**House Joint Resolution No. 594** -- Memorials, Professional Achievement - Melinda K. Day, Teacher of the Year. by \*Overbey.

**House Joint Resolution No. 595** -- Memorials, Recognition - Mrs. Alma Davis of Blount County. by \*Overbey.

**House Joint Resolution No. 596** -- Memorials, Retirement - Fayne Nelson. by \*Windle.

**House Joint Resolution No. 597** -- Memorials, Public Service - George Randolph Offitt, Legionnaire of the Year. by \*McDonald.

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**\*House Bill No. 1963** -- Pensions and Retirement Benefits - Includes school bus drivers in Tennessee consolidated retirement system, at their option. Amends TCA Title 8, Chapter 34 and Title 8, Chapter 35. by \*Windle.

**House Bill No. 1980** -- Highways, Roads and Bridges - "Jake Morris Bridge," Gun Hollow Branch on U.S. 64 in Wayne County. by \*Tidwell.

**\*House Bill No. 1985** -- Safety, Dept. of - Authorizes department to transfer information contained on license applications to federal selective service system. Amends TCA Title 55. by \*Bittle.

**\*House Bill No. 1988** -- Highway Signs - "Historic Downtown Franklin Shopping District," State Route 96 in Williamson County. by \*Williams.

**\*House Bill No. 1993** -- Education - Allows accumulated or allocated "snow days" to be applied toward closings due to outbreaks of illness or epidemics. Amends TCA Section 49-6-3004. by \*Hagood, \*McDaniel.

**\*House Bill No. 2013** -- Housing - Revises number of commissioners on housing authorities in Bradley County from five to seven. Amends TCA Section 13-20-408. by \*Bunch.

**\*House Bill No. 2028** -- Driver Licenses - Requires affidavit that no social security number was issued and submission of IRS 194 form in order for person without social security number to be issued license; redefines "resident" for purposes of driver license issuance. Amends TCA Section 55-50-102 and Section 55-50-321. by \*Turner (Davidson), \*Shaw.

**\*House Bill No. 2029** -- Driver Licenses - Removes provision allowing person without social security number to obtain license. Amends TCA Section 55-50-321. by \*Rowland, \*Beavers, \*Black, \*Pleasant, \*Stanley, \*Hargett, \*Goins, \*Todd, \*Baird, \*Godsey, \*Mumpower.

**\*House Bill No. 2030** -- Bail, Bail Bonds - Authorizes optional bail bond procedure for any person who is permitted to execute bail bond for appearance in general sessions court of Overton County. Amends TCA Title 40, Chapter 11, Part 1. by \*Windle.

**\*House Bill No. 2032** -- Taxes - Increases governmental accountability; enacts tax reform; calls referendum on whether limited constitutional convention should be called to alter Article II, Section 28, relative to taxation. Amends TCA Titles 9, 13, 29, 56, 57, 67 and 71. by \*Sharp.

**\*House Bill No. 2034** -- Motor Vehicles, Titling and Registration - Authorizes issuance of Concerns of Police Survivors license plate; allocates 50 percent of funds produced from sale thereof to Concerns of Police Survivors. Amends TCA Title 55, Chapter 4. by \*Godsey.

**\*House Bill No. 2044** -- Motor Vehicles, Titling and Registration - Authorizes issuance of United for America new specialty earmarked license plate; allocates 50 percent of funds produced from sale thereof to TEMA. Amends TCA Title 55, Chapter 4. by \*Ridgeway.

## **TUESDAY, JANUARY 8, 2002 – SIXTY-SEVENTH LEGISLATIVE DAY**

**House Bill No. 2045** -- Parks, Natural Areas Preservation - Prohibits department of environment and conservation from closing state parks unless resolution is adopted by both houses of general assembly authorizing such closure. Amends TCA Title 4, Chapter 3, Part 5 and Title 11, Chapter 3. by \*Hagood, \*Odom.

**\*House Bill No. 2046** -- Handgun Permits - Gives honorably discharged veterans with military handgun training lifetime exemption from requirement of handgun safety course otherwise required for handgun carry permit. Amends TCA Title 39, Chapter 17, Part 13. by \*Bittle.

**\*House Bill No. 2047** -- Local Education Agency - Increases maximum size of county school boards from 10 to 12 members. Amends TCA Section 49-2-201. by \*Sands.

**\*House Bill No. 2048** -- Motor Vehicles, Titling and Registration - Authorizes issuance of "United We Stand" new specialty earmarked license plates; allocates all funds derived from sale thereof, minus expenses, to TEMA to mitigate costs of enhanced security procedures. Amends TCA Title 55, Chapter 4. by \*Beavers.

### **SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 2002** -- Appropriations - Removes from appropriations act provisions prohibiting disbursement of BEP funds and reduction in higher education appropriations. by \*McNally, \*Crowe, \*Atchley, \*Carter, \*Graves, \*Burks, \*Trail, \*Crutchfield, \*Williams, \*Davis L. (HB2040 by \*Winningham)

### **HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 2040** -- Appropriations -- House Finance, Ways and Means Committee

**House Bill No. 2042** -- Medina -- Local Bill Held on House Desk

**House Bill No. 2043** -- Adamsville -- Local Bill Held on House Desk

### **RULES SUSPENDED**

Rep. Davidson moved that the rules be suspended to allow **House Bill(s) No(s). 274, 275, 276 and 277** to be heard on the House Floor on Thursday, January 10, 2002 should they receive favorable consideration in the Committee on Calendar and Rules on Wednesday, January 9, 2002. Without objection, it was so ordered.

**REPORTS FROM STANDING COMMITTEES**

The committees that met on **January 8, 2002**, reported the following:

**STATE AND LOCAL GOVERNMENT**

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 277, also House Bill(s) No(s). 274, 275 and 276 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

**REGULAR CALENDAR**

**\*House Bill No. 573** -- Courts, General Sessions - Provides that if there are multiple defendants or plaintiffs in case before general sessions court and one defendant or plaintiff appeals adverse decision, it is considered appeal by all defendants or plaintiffs and all are properly before circuit court. Amends TCA Title 16, Chapter 15 and Title 27, Chapter 5. by \*Bunch. (SB857 by \*Norris)

Further consideration of House Bill No. 573 previously considered on May 17, 2001, May 23, 2001 and May 31, 2001, at which time it was reset for today's Calendar.

Rep. Bunch moved that House Bill No. 573 be passed on third and final consideration.

Rep. Buck moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Turner (Hamilton) moved that House Bill No. 573 be reset for the Regular Calendar on January 10, 2002, which motion prevailed.

**House Bill No. 1466** -- Managed Care Organizations - Establishes standard of care for managed care entities making healthcare decisions; imposes civil liability on managed care entities that fail to exercise such standard of care. Amends TCA Title 29 and Title 56. by \*McMillan, \*Naifeh, \*Todd, \*Stanley, \*Odom, \*Newton, \*Turner (Davidson), \*Williams, \*Jones, S., \*Briley, \*Fitzhugh, \*Shepard, \*Turner (Hamilton). (\*SB20 by \*Kyle, \*Person)

Further consideration of House Bill No. 1466 previously considered on July 11, 2001 and July 12, 2001, at which time it was reset for today's Calendar.

Rep. McMillan moved that House Bill No. 1466 be reset for the Regular Calendar on January 24, 2002, which motion prevailed.

**MESSAGE CALENDAR**

**HOUSE ACTION ON SENATE MESSAGE**

**House Bill No. 1267** -- Forest and Forest Products - Prohibits clear cutting in Standing Stone State Park. Amends TCA Title 11. by \*Windle. (\*SB281 by \*Davis L, \*Burks, \*Williams)

Further consideration of House Bill No. 1267 previously considered on May 17, 2001, May 29, 2001 and June 4, 2001, at which time it was reset for today's Message Calendar.

**Senate Amendment No. 1**

AMEND House Bill No. 1267 by deleting all language following the enacting clause of the printed bill and by substituting instead the following:

SECTION 1. The commissioner of environment and conservation shall prohibit the forestry practice of clear-cutting in all state parks. The department of environment and conservation shall not conduct clear-cutting operations in such parks, nor permit any other person or lessee to conduct clear-cutting operations in such parks.

SECTION 2. Notwithstanding the provisions of Section 1, clear-cutting may be permitted in state parks in cases of natural disaster or insect infestation provided that the department of environment and conservation has determined prior to any such clear-cutting that it is a reasonable and appropriate response to such disaster or infestation and that it is consistent with the department's duty to preserve and maintain the parks. Such clear-cutting may occur only in a manner approved in advance by the department.

SECTION 3. This act shall take effect July 1, 2001, the public welfare requiring it.

Rep. Windle moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 1267.

Rep. Windle moved that House Bill No. 1267 be reset for the Message Calendar on January 10, 2002, which motion prevailed.

**UNFINISHED BUSINESS**

**RECOGNITION IN THE WELL**

Rep. Kisber was recognized in the Well to introduce Ms. Laurice Lanier, who performed "America the Beautiful."

**MOTION TO RESET BILL**

Without objection, Rep. McMillan moved that House Bill No. 573 be reset for the Regular Calendar on Thursday, January 24, 2002 instead of Thursday, January 10, 2002.

**ANNOUNCEMENTS**

**REPORT FILED**

The Clerk announced that the Annual Treasurer's Report has been filed with the Clerk's Office and has been spread on the members' desks.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 274:** Rep(s). L. DeBerry as prime sponsor(s).

**House Bill No. 275:** Rep(s). L. DeBerry as prime sponsor(s).

**House Bill No. 276:** Rep(s). L. DeBerry as prime sponsor(s).

**House Bill No. 277:** Rep(s). L. DeBerry as prime sponsor(s).

**House Bill No. 2045:** Rep(s). Windle as prime sponsor(s).

**ROLL CALL**

The roll call was taken with the following results:

Present.....99

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kemell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh – 99.



**TUESDAY, JANUARY 8, 2002 – SIXTY-SEVENTH LEGISLATIVE DAY**

**RECESS MOTION**

On motion of Rep. Davidson, the House stood in recess until 9:00 a.m., Thursday, January 10, 2002.